



U.S. Department of Justice

*United States Attorney
Southern District of New York*

86 Chambers Street
New York, New York 10007

MEMO ENDORSED

September 4, 2020

BY ECF & ELECTRONIC MAIL

The Honorable Edgardo Ramos
United States District Judge
United States Courthouse
40 Foley Square
New York, NY 10007
ChambersNYSDRamos@nysd.uscourts.gov

Re: *Fernandez-Rodriguez et al. v. Licon-Vitale*, No. 20 Civ. 3315 (ER)

Dear Judge Ramos:

This Office represents respondent Marti Licon-Vitale (“Respondent”), in her official capacity as Warden of the Metropolitan Correctional Center (“MCC”), with respect to the above-referenced petition for habeas corpus brought under 28 U.S.C. § 2241. We write respectfully in response to the letter from petitioners’ counsel of August 31 (ECF No. 98), pursuant to the Court’s order of September 1 (ECF No. 99). As explained in Respondent’s letter to the Court being filed herewith, the MCC has continued to take appropriate steps to mitigate the threat of COVID infection to inmates and staff, though the prison’s protocols have changed somewhat since May.

As for petitioners’ request for additional information to be included in Respondent’s biweekly letters to the Court, MCC is willing to provide additional information regarding its actions, but cannot agree to petitioners’ proposal. Rather, to the extent that the requested information is not already included in petitioners’ outstanding discovery requests, we are prepared to meet and confer with petitioners to attempt to agree on additional discovery by which this information can be provided—as ordinary discovery responses rather than supplements to the biweekly letters and only once Respondent has completed her responses to the current outstanding requests. As Respondent’s letter makes clear, MCC staff have many responsibilities, COVID-related and otherwise, and increasing substantially the amount of information that must be collected and reported every two weeks would pose an inordinate burden on scarce resources.

We thank the Court for its consideration of these matters, and are available to discuss them at a conference with the Court should that be necessary.

Respectfully,

AUDREY STRAUSS
Acting United States Attorney

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cc: Counsel for Petitioners (By ECF & electronic mail)

The petitioners' request for a pre-motion conference, Doc. 98, is DENIED. The parties are directed to meet and confer regarding additional information that may be provided during the regular course of discovery in this matter.

SO ORDERED.


Edgardo Ramos, U.S.D.J
Dated: Sept. 8, 2020
New York, New York